

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

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3:09-md-02100-DRH-PMF

MDL No. 2100

This Document Relates to:

*Rebecca Burgess v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*

No. 3:11-cv-10187-DRH-PMF

*Kayla Carrico v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*

No. 3:11-cv-10191-DRH-PMF

*Brittany Garcia v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*

No. 3:10-cv-12291-DRH-PMF

*Erica Tillman v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*

No. 3:10-cv-11794-DRH-PMF

*Michelle Bledsoe v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*

No. 3:11-cv-10332-DRH-PMF

*Lisa Kopishke v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*

No. 3:10-cv-12196-DRH-PMF

Jackie Norrod v. Bayer Corp., et al.

No. 3:10-cv-11203-DRH-PMF

Caroline Pena v. Bayer Corp., et al.

No. 3:10-cv-12842-DRH-PMF

ORDER ON BAYER HEALTHCARE PHARMACEUTICALS INC.'S
MOTION TO DISMISS WITH PREJUDICE

This matter is before the Court on defendant Bayer HealthCare Pharmaceuticals Inc's ("Bayer") motion, pursuant to Case Management Order 12 ("CMO 12"), for an Order dismissing plaintiffs' claims in the above-captioned matters with prejudice for failure to comply with their Plaintiff Fact Sheet ("PFS") obligations.

On July 12, 2011, Bayer moved to dismiss plaintiffs in the *Burgess*, *Carrico*, *Garcia*, and *Tillman* matters without prejudice for failure to comply with PFS obligations.¹ The Court granted these motions on August 4, 2011.² More than 60 days since the entry of the order of dismissal without prejudice has passed, and plaintiffs still have not complied with their PFS obligations. Accordingly, pursuant to Section E of CMO 12, Bayer respectfully requests that the Court issue an Order converting the dismissal without prejudice to a dismissal with prejudice.

On July 18, 2011, Bayer moved to dismiss plaintiffs in the *Bledsoe*, *Kopishke*, *Norrod*, and *Pena* matters without prejudice for failure to comply with PFS obligations.³ The Court granted these motions on August 25, 2011.⁴ More than 60 days since the entry of the order of dismissal without prejudice has passed, and plaintiffs still have not complied with their PFS obligations. Accordingly, pursuant to Section E of CMO 12, Bayer respectfully requests that the

¹ Burgess Doc. 6; Carrico Doc. 6; Garcia Doc. 7; Tillman Doc. 10.

² Burgess Doc. 7; Carrico Doc. 7; Garcia Doc. 8; Tillman Doc. 11.

³ Bledsoe Doc. 6; Kopishke Doc. 6; Norrod Doc. 12; Pena Doc. 12

⁴ Bledsoe Doc. 7; Kopishke Doc. 7; Norrod Doc. 13; Pena Doc. 13



Court issue an Order converting the dismissal without prejudice to a dismissal with prejudice.

Having considered the motion and the relevant provisions of CMO 12, the Court **ORDERS** as follows:

Plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **plaintiffs' complaints are hereby dismissed with prejudice.** Further, the Court **directs** the Clerk of the Court to enter judgment reflecting the same. Each party shall bear its own costs.

IT IS SO ORDERED.

Signed this 21st day of December, 2011.

  David R. Herndon
2011.12.21
14:37:48 -06'00'
Chief Judge
United States District Court